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EXAMINER

ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
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2143

12

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/473,571

Applicant(s)

WOLRICH ET AL.

Examiner

David E. England

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1 – 32 are presented for examination.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 5, 7, 9, 10, 11, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isfeld et al. U.S. Patent No. 5592622 (hereinafter Isfeld) in view of Chilton et al. U.S. Patent No. 6418488 (hereinafter Chilton).

3. Referencing claim 1, Isfeld teaches a processor, comprising:

4. one or more processing engines to schedule transfers of data packets between the processor and the devices, (e.g. col. 8, line 50 – col. 9, line 15);

5. a push engine to perform unsolicited transfers of the status data to the processing engines in response to the module collecting new status data, (e.g. col. 8, lines 11 – 34 & col. 10, line 12 – col. 11, line 67 & col. 23, line 45 – col. 24, line 15). Isfeld does not specifically teach a module configured to collect status data from devices connected to a bus, the status data indicating

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readiness of the devices to participate in data transfers over the bus. Chilton teaches a module configured to collect status data from devices connected to a bus, the status data indicating readiness of the devices to participate in data transfers over the bus, (e.g. col. 25, lines 18 – 59).

It would have been obvious to one skilled in the art at the time the invention was made to combine Chilton with Isfeld because if one device does not receive a type of status data (i.e. acknowledgement signal), transfer errors could accumulate in the system.

6. As per claim 2, Isfeld teaches wherein the processing engine comprises:

7. one or more input transfer registers to receive the unsolicited transfers of status data for use to schedule the transfers of data packets, (e.g. col. 23, line 45 – col. 24, line 15).

8. As per claim 3, Isfeld teaches wherein the processing engine uses a portion of received new status data to schedule retrievals of data packets from the devices, (e.g. col. 10, line 46 – col. 11, line 46).

9. As per claim 4, Isfeld teaches wherein the processing engine uses a portion of the received status data to schedule transmissions of data packets, (e.g. col. 10, line 46 – col. 11, line 46).

10. As per claim 5, Isfeld teaches wherein the processing engine uses a portion of the received status data to determine whether schedule transmissions of data packets have been completed, (e.g. col. 18, lines 23 – 61).

11. As per claim 7, Isfeld teaches wherein a portion of the status data are flags indicative of whether associated devices have data packets to transmit, (e.g. col. 36, line 50 – col. 37, line 25).

12. Claims 9, 10, 11, 13 are rejected for similar reasons as stated above.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isfeld (5592622) in view of Chilton (6418488) in further view of Williams et al. (6144669) (hereinafter Williams).

14. As per claim 6, Isfeld and Chilton do not specifically teach wherein the module is configured to poll the devices for the status data over a second bus. Williams teaches wherein the module is configured to poll the devices for the status data over a second bus, (e.g. col. 5, lines 29 – 59 & col. 11, lines 4 – 38). It would have been obvious to one skilled in the art at the time the invention was made to combine Williams with the combine system of Isfeld and Chilton because having the status data over a second bus could speed up a process and prevent latency and packet collision.

15. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isfeld (5592622) in view of Chilton (6418488) in further view of Shiraki et al. (5892979) (hereinafter).

16. As per claim 8, Isfeld and Chilton do not specifically teach wherein a portion of the status data includes flags indicative of whether associated devices have space to receive data packets.

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Shiraki teaches wherein a portion of the status data includes flags indicative of whether associated devices have space to receive data packets. It would have been obvious to one skilled in the art at the time the invention was made to combine Shiraki with the combine system of Isfeld and Chilton because this could prevent incoming status data to be written over the status data that already exists in the space provided.

17. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isfeld (5592622) in view of Chilton (6418488) in further view of Vaidya (6279113).

18. As per claim 12, Isfeld and Chilton do not specifically teach wherein determining includes comparing a value of a time stamp transferred with the information to a previous value of the time stamp. Vaidya teaches wherein determining includes comparing a value of a time stamp transferred with the information to a previous value of the time stamp, (e.g. col. 12, lines 11 – 22). It would have been obvious to one skilled in the art at the time the invention was made to combine Vaidya with the combine system of Isfeld and Chilton because if one desired to save an updated status data the comparisons of the time stamp would allow for this function to take place. Therefore, leading to possible error prevention from the system accessing obsolete information.

19. Claims 14, 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isfeld (5592622) in view of Chilton (6418488) in further view of Witkowski et al. (6430626) (hereinafter Witkowski).

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20. As per claim 14, Isfeld and Chilton do not specifically teach wherein collecting further comprises:

21. polling the devices for ready status data on the availability of ports thereon; and

22. receiving ready status data associated with individual ones of the devices in response to the polling. Witkowski teaches wherein collecting further comprises:

23. polling the devices for ready status data on the availability of ports thereon, (e.g. col. 17, lines 33 – 58); and

24. receiving ready status data associated with individual ones of the devices in response to the polling, (e.g. col. 17, lines 33 – 58). It would have been obvious to one skilled in the art at the time the invention was made to combine Witkowski with the combine system of Isfeld and Chilton because if there are all ports are in use at the time the system cannot receive any data. Therefore, this would prevent bottlenecking.

25. As per claim 16, Isfeld and Chilton do not specifically teach wherein the transferred portion of the information includes flags that indicate whether associated ports of the devices have one of space to receive data packets and data packets ready to transmit over the bus.

Witkowski teaches wherein the transferred portion of the information includes flags that indicate whether associated ports of the devices have one of space to receive data packets and data packets ready to transmit over the bus, (e.g. col. 22, line 36 – col. 23, line 14 & col. 23, line 48 – col. 24, line 23). It would have been obvious to one skilled in the art at the time the invention was made to combine Witkowski with the combine system of Isfeld and Chilton because if there

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are all ports are in use at the time the system cannot receive any data. Therefore, this would prevent bottlenecking and packet collision.

26. Claim 17 is rejected for similar reasons as stated above.

27. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isfeld (5592622) in view of Chilton (6418488) in further view of Vaidya (6279113) in further view of Witkowski (6430626).

28. As per claim 15, Isfeld, Chilton and Vaidya do not specifically teach wherein collecting further comprises:

29. writing the received ready status data to a status register;

30. scheduling transfers of data packets over the bus in response to the transferred portion of the ready status data. Witkowski teaches wherein collecting further comprises:

31. writing the received ready status data to a status register, (e.g. col. 34, line 45 – col. 35, line 25);

32. scheduling transfers of data packets over the bus in response to the transferred portion of the ready status data, (e.g. col. 17, lines 33 – 58). It would have been obvious to one skilled in the art at the time the invention was made to combine Witkowski with the combine system of Isfeld, Chilton and Vaidya because it would be more efficient to write received ready status data to a status register and if one wanted to transfer a type of response to the status data (i.e.

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acknowledgement) it would be more efficient for to transfer a portion of the status data for error checking.

33. Claims 18, 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebrahim (5887134) in view of Gulledge (5644623) in further view of Chilton (6418488).

34. Referencing claim 18, Ebrahim teaches a router, comprising:

35. a bus, (e.g. col. 1, lines 36 – 48); and

36. a parallel processor coupled to the bus and comprising, (e.g. col. 1, lines 36 – 48):

37. a plurality of processing engines to process data transfers with a plurality of devices connected to the bus, (e.g. col. 15, lines 19 – 37);

38. the status data indicating readiness of the devices to participate in data transfers, (e.g. col. 5, line 65 – col. 6, line 14 & col. 11, line 36 – col. 12, line 17). Ebrahim does not specifically teach an interface connected to collect ready status data from the devices and to automatically transfer ready status data the processing engines in response to the status data being collected.

Gulledge teaches an interface connected to collect status data from the devices and to automatically transfer status data the processing engines in response to the status data being collected, (e.g. col. 14, lines 44 – 63). It would have been obvious to one skilled in the art at the time the invention was made to combine Gulledge with Ebrahim because it would be faster if the status was automatically transfer once the status data was collected. This could aid in the shortening of latency. Gulledge does not specifically teach the ready status data as described above. Chilton teaches ready status data, (e.g. col. 25, lines 18 – 59). It would have been obvious

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to one skilled in the art at the time the invention was made to combine Chilton with the combine system of Ebrahim and Gulledge because of similar reasons as stated above.

39. As per claim 19, Gulledge does not specifically teach wherein the ready status data indicates the readiness of individual ones of the devices to one of receive a data packet from and transmit a data packet to the parallel processor. Witkowski teaches wherein the status data indicates the readiness of individual ones of the devices to one of receive a data packet from and transmit a data packet to the parallel processor, (e.g. col. 5, line 59 – col. 6, line 39), and Chilton teaches the ready status data, (e.g. col. 25, lines 18 – 59). It would have been obvious to one skilled in the art at the time the invention was made to combine Ebrahim with Gulledge and Chilton because it could lead to errors if the devices are not ready to transmit or receive data. This could prevent bottlenecking and packet collision.

40. As per claim 26, Ebrahim teaches wherein the devices are capable of transmitting data packets between the bus and external networks, (e.g. col. 3, lines 7 – 28).

41. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ebrahim (5887134) in view of Gulledge (5644623) in further view of Chilton (6418488) in further view of Vaidya (6279113).

42. As per claim 20, Ebrahim, Gulledge and Chilton disclose all that is described above but do not specifically teach wherein the ready status data includes a time stamp indicative of a

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staleness of the ready status data. Vaidya teaches wherein the ready status data includes a time stamp indicative of a staleness of the ready status data, (e.g. col. 12, lines 11 – 22). It would have been obvious to one skilled in the art at the time the invention was made to combine Vaidya with the combine system of Ebrahim, Gulledge and Chilton because if one desired to save an updated status data the comparisons of the time stamp would allow for this function to take place.

Therefore, leading to possible error prevention from the system accessing obsolete information.

43. Claims 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebrahim (5887134) in view of Gulledge (5644623) in further view of Chilton (6418488) in further view of Isfeld (5592622).

44. As per claim 21, Ebrahim, Gulledge and Chilton disclose all that is described above but do not specifically teach wherein a portion of the ready status data includes information to enable the processing engines to identify which scheduled data transfers to the devices have been completed. Isfeld teaches wherein a portion of the ready status data includes information to enable the processing engines to identify which scheduled data transfers to the devices have been completed, (e.g. col. 2, line 65 – col. 3, line 23). It would have been obvious to one skilled in the art at the time the invention was made to combine Isfeld with the combine system of Ebrahim, Gulledge and Chilton because if the device does not know that the data transfer has been completed it could continually send the same data not knowing the status of the completely sent data, (i.e. acknowledgement signal). This would be used for error prevention.

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45. As per claim 27, Ebrahim, Gulledge and Chilton disclose all that is described above but do not specifically teach wherein the interface transfers the collected status data without being solicited to transfer the data by the processing engines. Isfeld teaches wherein the interface transfers the collected status data without being solicited to transfer the data by the processing engines, (e.g. col. 23, line 45 – col. 24, line 15). It would have been obvious to one skilled in the art at the time the invention was made to combine Isfeld with the combine system of Ebrahim, Gulledge and Chilton because it would be more efficient if data that was more important was to be transferred first. Furthermore, it would be faster if the data that was transmitted were unsolicited because the data would not use up time in unnecessary processing.

46. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ebrahim (5887134) in view of Gulledge (5644623) in further view of Chilton (6418488) in further view of Witkowski (6430626).

47. As per claim 22, Ebrahim, Gulledge and Chilton disclose all that is described above but do not specifically teach a ready bus capable of transferring ready status data from the devices to the interface. Witkowski teaches a ready bus capable of transferring ready status data from the devices to the interface, (e.g. col. 2, line 65 – col. 3, line 23). It would have been obvious to one skilled in the art at the time the invention was made to combine Witkowski with the combine system of Ebrahim, Gulledge and Chilton because an error could occur if the data on the bus is not ready to transfer from the device to the interface.

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48. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ebrahim (5887134) in view of Gulledge (5644623) in further view of Chilton (6418488) in further view of Cotton et al. (5623489) (hereinafter Cotton).

49. As per claim 23, Ebrahim, Gulledge and Chilton discloses all that is described above but do not specifically teach wherein the ready status data indicates whether associated ports of the devices are ready to perform one of a transmission of a data packet to the bus and a receive of a data packet from the bus. Cotton teaches wherein the ready status data indicates whether associated ports of the devices are ready to perform one of a transmission of a data packet to the bus and a receive of a data packet from the bus, (e.g. col. 9, lines 8 – 35). It would have been obvious to one skilled in the art at the time the invention was made to combine Cotton with the combine system of Ebrahim, Gulledge and Chilton because if there are all ports are in use at the time the system cannot receive any data. Therefore, this would prevent bottlenecking and packet collision.

50. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebrahim (5887134) in view of Gulledge (5644623) in further view of Chilton (6418488) in further view of Vaidya (6279113) in further view of Cotton (6430626).

51. As per claim 24, Ebrahim, Gulledge, Chilton and Vaidya discloses all that is described above but do not specifically teach wherein each processing engine comprises at least one input transfer register; and

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52. the interface is configured to write ready status data to one of the input transfer registers assigned to a scheduler thread. Cotton teaches wherein each processing engine comprises at least one input transfer register, (e.g. col. 10, lines 15 – 44); and

53. the interface is configured to write ready status data to one of the input transfer registers assigned to a scheduler thread, (e.g. col. 10, lines 15 – 44). It would have been obvious to one skilled in the art at the time the invention was made to combine Cotton with the combine system of Ebrahim, Gulledge, Chilton and Vaidya because it would be more efficient to write received ready status data to a status register and if one wanted to transfer a type of response to the status data (i.e. acknowledgement) it would be more efficient for to transfer a portion of the status data for error checking.

54. As per claim 25, Ebrahim, Gulledge, Chilton and Vaidya discloses all that is described above but do not specifically teach wherein the interface is configured to protect one of the input transfer registers from being read by the processing engines during the transferring of ready status data thereto. Cotton teaches wherein the interface is configured to protect one of the input transfer registers from being read by the processing engines during the transferring of ready status data thereto, (e.g. col. 16, lines 30 – 59). It would have been obvious to one skilled in the art at the time the invention was made to combine Cotton with the combine system of Ebrahim, Gulledge, Chilton and Vaidya because this would be a more efficient way to protect status data that does not need to be processed by the processing engines. Therefore, this could help prevent errors from occurring in the system.

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55. Claims 28 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Loughlin et al. (6275505) (hereinafter O'Loughlin) in view of Witkowski (6430626) in further view of Chilton (6418488) in further view of Isfeld (5592622).

56. As per claim 28, O'Loughlin teaches an article comprising a computer-readable medium which stores executable instructions for transferring data packets over a bus, the instructions causing a processor to, (e.g. col. 10, lines 20 – 33):

57. But, O'Loughlin does not specifically teach collect information on readiness of devices connected to the bus to one of transmit and receive data packets; and

58. transfer a portion of the collected information to a processing engine configured to schedule data transfers, the transferring being unsolicited by the processing engine. Chilton teaches information on readiness of devices, (e.g. col. 25, lines 18 – 59), and Witkowski teaches the devices connected to the bus to one of transmit and receive data packets, (e.g. cols. 23 – 24). It would have been obvious to one skilled in the art at the time the invention was made to combine Witkowski with Chilton and O'Loughlin because it would be more efficient to transmit and receive data when the devices is ready. If the device is not ready it could receive or transmit incorrect data leading to errors. Isfeld teaches transfer a portion of the collected information to a processing engine configured to schedule data transfers, the transferring being unsolicited by the processing engine, (e.g. col. 23, line 45 – col. 24, line 15). It would have been obvious to one skilled in the art at the time the invention was made to combine Isfeld with the combine system of O'Loughlin, Chilton and Witkowski because it would be more efficient if data that was more

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important was to be transferred first. Furthermore, it would be faster if the data that was transmitted were unsolicited because the data would not use up time in unnecessary processing.

59. As per claim 29, O'Loughlin, Chilton and Isfeld discloses all that is described above but do not specifically teach the instructions further causing the processor to:

60. schedule data transfers with a portion of the devices based on the transferred portion of the collected information. Witkowski teaches the instructions further causing the processor to:

61. schedule data transfers with a portion of the devices based on the transferred portion of the collected information, (e.g. col. 17, lines 33 – 58 & col. 34, line 45 – col. 35, line 25). It would have been obvious to one skilled in the art at the time the invention was made to combine Witkowski with the combine system of O'Loughlin, Chilton and Isfeld because of similar reasons stated above.

62. As per claim 30, O'Loughlin, Chilton and Isfeld discloses all that is described above but do not specifically teach the instructions further causing the processor to:

63. determine whether the transferred information is at least partly new; and

64. wherein instructions causing the processor to schedule are performed in response to determining that the transferred information being at least partly new. Witkowski teaches the instructions further causing the processor to:

65. determine whether the transferred information is at least partly new, (e.g. col. 17, line 33 – col. 18, line 36); and

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66. wherein instructions causing the processor to schedule are performed in response to determining that the transferred information being at least partly new, (e.g. col. 17, line 33 – col. 18, line 36). ). It would have been obvious to one skilled in the art at the time the invention was made to combine Witkowski with the combine system of O'Loughlin, Chilton and Isfeld because it would be more efficient for the user to determine the difference between partly new information and old information. This could lead to knowing when to update information in the system.

67. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isfeld (5592622) in view of Chilton (6418488) in further view of Adler et al. (6552826) (hereinafter Adler).

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68. As per claim 31, Isfeld and Chilton teaches all that is discussed above but does not specifically teach the processing engines schedule the transfer of data packets independently of the module collecting status data from the devices. Adler teaches the processing engines schedule the transfer of data packets independently of the module collecting status data from the devices, (e.g. col. 18, line 18 – col. 20, line 42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Adler with the combines system of Isfeld and Chilton for it is more efficient in terms of faster transmission with low latency from a small overhead that is utilized in a connectionless network system. This function is utilized in User Datagram Protocol, (UDP), having small overhead and does not use system acknowledgements in a network as opposed to a network protocol that has more overhead in the header that would slow down the transmission of packets.

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69. As per claim 32, Isfeld and Chilton teaches all that is discussed above but does not specifically teach the processing engines schedule the transfer of data packets from a device to the bus independently of the readiness of other devices to receive the data, and schedule the transfer of data from the bus to a device independently of the readiness other devices to send the data. Adler teaches the processing engines schedule the transfer of data packets from a device to the bus independently of the readiness of other devices to receive the data, and schedule the transfer of data from the bus to a device independently of the readiness other devices to send the data, (e.g. col. 18, line 18 – col. 20, line 42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Adler with the combines system of Isfeld and Chilton for it is more efficient in terms of faster transmission with low latency from a small overhead that is utilized in a connectionless network system. This function is utilize in User Datagram Protocol, (UDP), having small overhead and does not use system acknowledgements in a network as opposed to a network protocol that has more overhead in the header that would slow down the transmission of packets.

### ***Response to Arguments***

70. Applicant's arguments with respect to claims 1 – 30 have been considered but are moot in view of the new ground(s) of rejection.

71. In the remarks, Applicant argued in substance that states Isfeld does not disclose or suggest “a push engine to perform unsolicited transfers of the status data to the processing engines in response to the module collection new status data,” where status data indicates “readiness of devices to participate in data transfers,” and the processing engines “schedule transfers of data packets.” Furthermore, Applicant states that Chilton does not disclose or performing “unsolicited transfers of status data” to anywhere, let alone to the processing engines that “schedule transfers of data packets.”

72. As to part 1, the Examiner would like to draw the attention of the Applicant to the references that are restated above in that Isfeld does teach suggest “schedule transfers of data packets,” as disclosed above and more specifically “then, the packet is added to a queue 103 for message transmission.” Furthermore, Isfeld teaches “a push engine to perform unsolicited transfers of the status data to the processing engines in response to the module collection new status data,” as stated in further detail for the Applicant to review. Also, Chilton teaches all that is lacking in Isfeld and is restated above in the office action teaching, “readiness of devices to participate in data transfers” and “a module configured to collect status data from devices connected to a bus,” as disclosed above. As stated by the Applicant,” Chilton not teaches “unsolicited transfers of status data” and “schedule transfers of data packets”. Examiner agrees with applicant and it should be noted that, that is the reason that the 103 rejection is with Isfeld and Chilton and the use of Isfeld is for “unsolicited transfers of status data” and “schedule transfers of data packets” and not Chilton.

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73. Examiner would like to state if the Applicant was more specific to the meaning of “status data” and its connection to “readiness of devices”, (i.e. acknowledge signals or the like), it would overcome most of the references for the independent claims and further bring out the magnitude of the limitation of the invention but, would require further search and consideration.

74. In the remarks, Applicant argued in substance that Gulledge is only related to assessment of Quality of service, and is not status data that indicates “readiness of the devices to participate in data transfers” and Gulledge does not disclose or suggest “automatically transfer[ing] ready status data to the processing engines in response to the status data being collected,” where the processing engines “process data transfers with a plurality of devices connected to the bus” and no suggestion that “status data indicating readiness of devices to participate in data transfers”.

75. As to part 2, the Examiner would like to draw the attention of the Applicant to the references that are restated above in that Gulledge does teach “automatically transfer[ing] ready status data to the processing engines in response to the status data being collected.” Furthermore, Chilton and Ebrahim teach what is lacking in Gulledge, “status data indicating readiness of devices to participate in data transfers” as disclosed above.

76. Examiner would like to state if the Applicant was more specific to the meaning of “status data” and its connection to “readiness of devices” as stated above in part 1, it could overcome the references stated but taking into consideration, it would require further search and consideration.

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77. In the remarks, Applicant argued in substance that states Isfeld does not disclose or suggest transferring “a portion of the collected information to a processing engine configured to schedule data transfers, the transferring being unsolicited by the processing engine,” where the collected information is on “readiness of devices connected to the bus to one of transmit and receive data packets.”

78. As to part 3, the Examiner would like to draw the attention of the Applicant to the references that are restated above in part 1 as it is similar to what is being argued in part 3. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

79. Therefore, the combination of O'Loughlin, Witkowski, Chilton and Isfeld teach the limitations restated above in the office action as they pertain to claims 28 – 30.

### ***Conclusion***

80. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

81. a. Kasper U.S. Patent No. 6356962 discloses Network device and method of controlling flow of data arranged in frames in a data-based network.

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82. b. Braband U.S. Patent No. 6058168 discloses Method and microcomputer system for the automatic, secure and direct transmission of data.

83. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 703-305-5333. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are none for regular communications and none for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is none.

David E. England  
Examiner  
Art Unit 2143

De   
September 16, 2003

  
**DAVID WILEY**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100